LHCBA demands judge's removal

By Our Staff Reporter

LAHORE, Dec 31: The Lahore High Court Bar Association adopted an unprecedented resolution by an overwhelming majority on Thursday seeking, in effect, the removal of a Lahore High Court judge by the Supreme Judicial Council under Article 209 of the Constitution 'for lowering the dignity of the court'.

Thirty-nine of the hundreds of lawyers, jampacking the LHCBA's Kiyani Hall, voted against the move and the Punjab PML Lawyers Forum later held a press conference to question its validity. They alleged that the text of the resolution against Justice Khalilur Rehman Ramday was not the same as given in the requisition, which was wrongly addressed to the LHCBA president rather than its secretary.

Justice Ramday is the younger brother of Attorney-General Chaudhry Muhammad Farooq, President of the Pakistan PML Lawyers Forum, and elder brother of PML MNA from Toba Tek Singh, Chaudhry Asadur Rehman.

The resolution, put forward by Pakistan Bar Council member and opposition leader Benazir Bhutto's counsel Sardar Latif Khan Khosa, was endorsed by Supreme Court Bar Association President Abid Hassan Minto, Punjab Bar Council member Hafiz Abdur Rehman Ansari, Lahore (district) Bar Association President Azar Latif Khan and Barrister Zafarullah Khan and opposed by advocates M.S. Shad (former LHCBA vice-president) and A.R. Arshad Malik.

It was adopted amid deafening applause by one of the most well-attended general body meetings of the LHCBA when put to vote by the association's president, Advocate Kazim Khan. Among those voting in favour were Pakistan Bar Council members Chaudhry Ashraf Wahla, Rana Ijaz Ahmad Khan and Hamid Khan, Punjab Bar Council members Muhammad Ramzan Chaudhry and Chaudhry Muhammad Arif, former

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LHCBA president Dr Khalid Ranjha, Chaudhry Aitzaz Ahsan and former advocate-general Mian Abdus Sattar Najam.

The resolution said:

"1. The general attitude of Mr Justice Khalilur Rehman Ramday with members of the Bar is derogatory to their status as officers of the court and the recent conduct reflected qua Sardar Mohammad Latif Khan Khosa, a senior advocate and member of the Pakistan Bar Council, who was neither before the court nor concerned in any way with the *lis* before the court under adjudication was outright insulting and contrary to the code of conduct for superior court judges.

"2. The learned judge's outburst against Mr Khosa over his defending two lawyers in a contempt case before a full bench, of which he was a member, was wholly unjustified, more so when the Lahore High Court had decided that case and appeal was pending before the Supreme Court and the Hon'ble Chief Justice of Pakistan had allowed bail to one of the appellants, who had yet to serve his jail term, and the matter was thus *sub judice* before the apex court. The learned Judge's comment on Mr Khosa's challenge to the illegal and mala fide action of the Income Tax Department in blocking his bank accounts before the high court in its constitutional jurisdiction was appalling as it was his legal right and the ensuing relief a judicial obligation. There is hardly a day when Mr Justice Khalilur Rehman Ramday, while presiding as a judge of the High Court, does not use unbecoming abusive and insulting language against advocates representing one or the other party.

"The conduct of the learned judge having thus become unbearable, this House resolves as follows:

"i) That a high powered medical board be constituted, including a senior physician and psychiatrist, to examine Mr Justice Khalilur Rehman Ramday to determine His Lordship's physical and mental condition and to report if his outbursts are curable and whether, at all, the imbalance so frequently reflected does not blur the judgment and impair the equilibrium so essential to sagacious decisions in the adversarial system of justice.

"ii) That the President of Pakistan and the Chairman of the Supreme Judicial Council (the Chief Justice of Pakistan) be sent a complaint against Mr Justice Khalilur Rehman Ramday for initiating a reference for His Lordship's removal as judge of the High Court.

"iii) That contempt proceedings be initiated against Mr Justice Khalilur Rehman Ramday as his conduct tantamounts (sic) to scandalizing and ridiculing the High Court and tends to lower the Superior Judiciary in public estimation.

"iv) That the Chief Justice of the Lahore High Court be requested to withdraw all cases from Mr Justice Khalilur Rehman Ramday till the medical examination is carried out and the Supreme Judicial Council draws proceedings and completes the same to its logical conclusion.

"v) That a committee consisting of the Pakistan Bar Council vice-chairman, executive chairman and members Hamid Khan, Rana Ijaz Ahmad and Sardar Muhammad Latif Khan Khosa; Punjab Bar Council vice-chairman, executive chairman and members Ramazan Chaudhry, Hafiz A.R. Ansari and C.M. Arif; and LHCBA president, vice- president and secretary be constituted to ensure complete respect to members of the Bar and oversee implementation of these decisions."